

Appendix G

Coordination and Consultation with Tribes

APPENDIX G

Section 106 Coordination and Consultation with Tribes

An extensive tribal involvement program has been in progress for a decade as part of the Washington State Department of Transportation's (WSDOT's) compliance with federal regulations regarding public, agency, and government-to-government contact. Tribal involvement has occurred in two forms:

1. Through the public involvement process, in which the tribes were invited to participate in the Draft EIS scoping and development process starting in 1992
2. Through Section 106 tribal consultation efforts

The information presented here focuses on the Section 106 tribal consultation efforts.

Revised Section 106 Tribal Consultation Regulations

Section 106 requires federal agencies to account for the effects of their undertakings on historic properties, and to afford the Advisory Council on Historic Preservation an opportunity to comment. The Federal Highway Administration (FHWA) and WSDOT seek to ensure that each tribe has the opportunity to identify and address any concerns regarding identification and evaluation of cultural resources and potential effects of the undertaking upon such resources.

In 1999, a Section 106 consultation was initiated pursuant to 36 CFR 800.2(a)(4). These requirements were modified in 2000 to incorporate Presidential Executive Order 13175 regarding "Consultation and Coordination with Indian Tribal Governments." These modifications established a process and timeline in an effort to "... strengthen the United States government-to-government relationships with Indian Tribes, and to reduce the imposition of unfounded mandates upon Indian Tribes."

Contacted Tribes

WSDOT contacted the following tribes throughout the environmental process:

- Muckleshoot Tribe
- Duwamish Tribe
- Lummi Nation
- Puyallup Tribe
- Suquamish Tribe
- Yakama Nation

WSDOT identified these tribes by reviewing the Usual and Accustomed Area maps (originally dated May 1987, as updated) available through the Governor's Office of Indian Affairs.

Section 106 Contact Procedures

WSDOT initiated consultations in 1999 with the tribes regarding the SR 509/South Access Road EIS Discipline Report: Archaeological and Historical Preservation (CH2M HILL February 1999). FHWA initiated formal consultation with the tribes in March 2000, implementing the Presidential Executive Order.

Consultation Request

The cultural resources survey was initiated to identify and evaluate the impacts of the proposed alternatives upon Tribal Resources within the Area of Potential Effect. FHWA initiated Section 106 in March 2000 with a contact letter requesting tribal consultation and delegating responsibility to WSDOT to coordinate the report of findings with the State Historical Preservation Officer (SHPO) for concurrence pursuant to 36 CFR 800.4(d)(1).

Comments

The tribes were provided 30 days to comment beginning from the date of the letter. Following transmittal of the request letter and approximately 15 days prior to the end of the comment period, the tribes were contacted by telephone to seek additional information.

Comments were received from the Duwamish, Muckleshoot, and Suquamish Tribes, and the Yakama Nation. Concerns were expressed regarding cultural resources. In November 2000, the SR 509 Test Drilling Cultural Resources Survey was completed. The tribes' concerns were addressed prior to the cultural resources reports being submitted to SHPO.

SHPO Concurrence

Completed cultural resources reports were sent to the SHPO seeking concurrence on February 12, 2001, and copies were sent to the tribes for their information. SHPO concurred on October 12, 2001, with its recommendations and findings that no historic properties would be affected by the proposed project.

As part of the WSDOT public involvement process, the tribes continue to be notified of project activities.



**Washington State
Department of Transportation**
Sid Morrison
Secretary of Transportation

Transportation Building
P.O. Box 47300
Olympia, WA 98504-7300

24 January 2001

Allyson Brooks, Ph.D.
State Historic Preservation Officer
Office of Archaeology and Historic Preservation
P.O. Box 48343
Olympia, WA 98504-8343

Re: SR 509 Extension and South Access Road Project, King County

Dear Dr. Brooks:

Enclosed please find a copy of the cultural resources report (AHS EWU Letter Report DOT00-37, by Charles T. Luttrell, dated 13 November 2000) recommending monitoring for cultural resources at four geotechnical test hole locations in the project area. As you will note in the report, no known historic properties will be affected by the proposed drilling. No traditional cultural properties have been identified, nor have other cultural resources been recorded with the Washington State Office of Archaeology and Historic Preservation. FHWA initiated formal consultation with the Yakima Nation, Suquamish Tribe, Puyallup Tribe, Lummi Nation, Duwamish Tribe, and the Muckleshoot Tribe on 9 March 2000; to date, the Muckleshoot Tribe has expressed concern (see attached).

I look forward to receiving your comments on our determination of no historic properties affected. Please call me at 360-570-6639, or FAX me at 360-570-6633, if you have questions or concerns. Thanks very much.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Holstine'.

Craig Holstine
Cultural Resources Specialist

Enc.

Cc: Kevin Stuber



STATE OF WASHINGTON

OFFICE OF COMMUNITY DEVELOPMENT
Office of Archaeology and Historic Preservation420 Golf Club Road SE, Suite 201, Lacey • PO Box 48343 • Olympia, Washington 98504-8343 • (360) 407-0752
Fax Number (360) 407-6217

January 30, 2001

RECEIVED**JAN 31 2001****ENVIRONMENTAL AFFAIRS - POINT PLAZA**Mr. Craig Holstine
Department of Transportation
Transportation Building
PO Box 47300
Olympia, Washington 98504-7300Re: SR 509 Extension and South Access Road
Log No: 012601-19-FHWA

Dear Mr. Holstine;

Thank you for providing a copy of the cultural resources survey of the proposed SR 509 extension and access road by AHS of Eastern Washington University. We concur with their recommendations and your findings that no historic properties will be effected by the proposed project.

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer. Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity should be discontinued, the area secured, and this office notified.

Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Whitlam", written over a horizontal line.

Robert G. Whitlam, Ph.D.
State Archaeologist
(360) 407-0771
email: robw@cted.wa.gov

**Washington State
Department of Transportation****Sid Morrison**
Secretary of TransportationTransportation Building
P.O. Box 47300
Olympia, WA 98504-7300

7 February 2001

Allyson Brooks, Ph.D.
State Historic Preservation Officer
Office of Archaeology and Historic Preservation
P.O. Box 48343
Olympia, WA 98504-8343

**Re: Cultural Resources Monitoring, SR 509 Extension and South Access Road
Project, King County
Log No: 012601-19-FHWA**

Dear Dr. Brooks:

Enclosed please find a copy of the cultural resources report (AHS EWU Short Report DOT01-01, by Charles T. Luttrell, dated 29 January 2001) summarizing the results of monitoring drilling and excavation for cultural resources at 16 geotechnical test holes and pits in the project area. On 30 January 2001, Rob Whitlam of your office concurred with the findings and recommendations of the preceding report (DOT00-37) that identified locations warranting the monitoring that is the subject of this report.

As you will note in the enclosed report, no known historic properties have been affected by the test drilling and excavating. No traditional cultural properties have been identified, nor have other cultural resources been recorded with the Washington State Office of Archaeology and Historic Preservation. FHWA initiated formal consultation with the Yakima Nation, Suquamish Tribe, Puyallup Tribe, Lummi Nation, Duwamish Tribe, and the Muckleshoot Tribe on 9 March 2000; to date, the Muckleshoot Tribe has expressed concern (see attached).

I look forward to receiving your comments on our determination of no historic properties affected. Please call me at 360-570-6639, or FAX me at 360-570-6633, if you have questions or concerns. Thanks very much.

Sincerely,

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Craig Holstine
Cultural Resources Specialist
Enc.
Cc: Kevin Stuber



STATE OF WASHINGTON

RECEIVED

FEB 14 2001

OFFICE OF COMMUNITY DEVELOPMENT ENVIRONMENTAL AFFAIRS - POINT PLAZA
Office of Archaeology and Historic Preservation

420 Golf Club Road SE, Suite 201, Lacey • PO Box 48343 • Olympia, Washington 98504-8343 • (360) 407-0752
Fax Number (360) 407-6217

February 12, 2001

Mr. Craig Holstine
Department of Transportation
Transportation Building
PO Box 47300
Olympia, Washington 98504-7300

Re: Cultural Resource Monitoring: SR 509
Log No: 020901-12-FHWA

Dear Mr. Holstine:

Thank you for providing a copy of the cultural resources monitoring report by AHS of Eastern Washington University. We concur with their recommendations and your findings that no historic properties will be effected by the proposed project.

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer. Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity should be discontinued, the area secured, and this office notified.

Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

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Robert G. Whitlam, Ph.D.
State Archaeologist
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